

**REMARKS**

Upon entry of the present paper, claims 1, 22, 30 and 50 will have been amended, and claims 60 – 63 will have been added. Applicant submits that no new matter has been added by this amendment. Support for the amendment can be found in the specification at least at page 6, lines 9 – 16, page 11, lines 12 – 24 and page 17, lines 8 – 9.

Claims 1 – 63 are pending before the Examiner. Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate.

***Interview***

Applicant would like to express appreciation to the Examiner for arranging an interview on May 7, 2007 with Applicant's representative, Jonathan Miller, and the Applicant, Randy Mersky. In the interview claims 1, 22 and 50 were discussed. More specifically, with regards to claims 1, 22 and 50, the differences between the present invention and Moreau et al. were discussed, specifically addressing the transaction processor, the transaction information module, and the transaction performance module. Additionally, with regard to claims 1 and 50, Applicant's representative submitted that features of the transaction information module were not addressed in the rejection.

Furthermore, with regard to claim 22, and more specifically the transaction information module examining the accessed website to determine information required by the accessed website to conduct the customer selected transaction, Applicant's representative disagreed with the Examiner's characterization of this feature as an inherent step. Additionally, the differences between Schwartz et al. and the present invention were discussed. Specifically, Applicant's

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representative believes that Schwartz does not disclose a transaction information module to transmit an information request to said agent processor requesting a portion of said required information.

Additionally, possible claim amendments, and their support in the specification, were discussed.

### ***35 U.S.C. § 112 Rejection***

Claims 1, 22, 30 and 50 were rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph for failing to comply with the written description requirement. More specifically, the claims were rejected for reciting “real time” and “wherein said web site is publicly available to network users, thereby enabling performance of said selected transaction absent a prearranged agreement between service provider and a provider associated with said web site,” which were asserted to be unsupported in the specification. Without agreeing to the propriety of the rejection, Applicant has amended claims 1, 22, 30 and 50 to remove this recited language from the claims. Accordingly, Applicant respectfully requests that the rejection of claims 1, 22, 30 and 50 be withdrawn.

### ***35 U.S.C. § 102 Rejection***

Claims 1, 4, 8, 9, 13, 14, 17 – 19, 50, 53, 54, 56 and 57 were rejected under 35 U.S.C. § 102(e) as being anticipated by US Publication 2002/0069166 issued to Moreau et al. (“Moreau”). This rejection is respectfully traversed.

To anticipate a claim, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. MPEP § 2131. Applicants submit that Moreau does not disclose each and every feature of the claimed invention.

*Independent Claims 1 and 50*

The present invention generally relates to a method and system for facilitating manual payments for transactions conducted over a network. More specifically, claim 1 recites, *inter alia*:

an agent processor, disposed at said remote site and accessing said network, configured to receive a customer selection of a desired transaction over said network with a particular provider processing system and customer transaction information and to process a customer payment receivable in forms including at least one of cash and a check and manually tendered by a customer at said remote site to a service provider to satisfy payment requirements of said customer selected transaction, while maintaining customer financial account information undisclosed to a transaction processor; and

the transaction processor, in communication with said agent processor and said provider processing systems via said network, configured to receive said customer selection and customer transaction information from said agent processor and facilitate performance and completion of said customer selected transaction over said network with said particular provider processing system in response to said manual tender of said customer payment, said transaction processor including:

a communication module configured to access a particular web site of a provider processing system performing said customer selected transaction;

a transaction information module configured to examine said accessed web site to determine information required by said accessed web site to conduct said customer selected transaction and to transmit an information request to said agent processor requesting a portion of said required information, the portion of the required information not including customer financial account information; and

a transaction performance module configured to receive said customer transaction information transmitted without any customer financial account information from said agent processor in response to said information request and to transmit said required information portion

and payment information associated with said service provider to said particular provider processing system in order to tender payment over said network for said customer to complete said transaction in response to said manual tender of said customer payment indicated within said received customer transaction information.

Claim 50 recites, *inter alia*:

the transaction processing means, in communication with said agent processing means and said provider processing systems via said network, configured to receive said customer selection and customer transaction information from said agent processing means and facilitate performance and completion of said customer selected transaction over said network with said particular provider processing system in response to said manual tender of said customer payment, said transaction processing means including:

communication means configured to access a particular web site of a provider processing system performing said customer selected transaction;

transaction information means configured to examine said accessed web site to determine information required by said web network site to conduct said customer selected transaction and to transmit an information request to said agent processing means requesting a portion of said required information, the portion of said required information not including customer financial account information; and

transaction performance means configured to receive said customer transaction information transmitted without any customer financial account information from said agent processing means in response to said information request and to transmit said required information portion and payment information associated with said service provider to said particular provider processing system in order for said service provider to tender payment over said network for said customer to complete said transaction with said particular provider processing system in response to said manual tender of said customer payment indicated within said received customer transaction information.

Applicant submits that Moreau does not disclose each of the features of claims 1 and 50.

For example, Applicant submits that Moreau does not disclose at least a transaction processor/processing means, “in communication with said agent processor and said provider processing system via said network, configured to receive said customer selection and customer

transaction information from said agent processor”. Additionally, Applicant submits that Moreau does not disclose at least a transaction information module/means “configured to examine said accessed network site to determine information required by said accessed network site to conduct said customer selected transaction and to transmit an information request to said agent processor requesting a portion of said required information”. Furthermore, Applicant submits that Moreau does not disclose at least a transaction performance module/means “configured to receive said customer transaction information from said agent processor in response to said information request”.

Transaction Processor for Receiving Customer Selection from Agent Processor

The Examiner asserts that Moreau discloses “a transaction processor, in communication with said agent processor and said provider processing system via said network, for receiving said customer selection and customer transaction information from said agent processor” at paragraph [0036]. Applicant respectfully disagrees.

Moreau generally discloses a system and method for facilitating buying and selling of products. More specifically, Moreau discloses a system and method whereby a customer may order a product from a merchant and then pay for the product at a remote collection agent selected by the customer. Additionally, while Moreau discloses a number of different embodiments, Applicant submits that with each of the embodiments, a customer places an order for a product or service directly with the merchant, *e.g.*, paragraphs [0035], [0053], and [0061].

In addressing the Examiner’s rejection, Applicant notes that Moreau states in paragraph [0036] that the:

. . . facilitator 330 may serve an overall coordinating function between merchants 300, consumers 310 and collection agents 350. To this end, after receiving the order information 320 from the merchant 300, the facilitator 330 may provide the consumer 310 with a list of collection agents 350 (as shown by step 340). Consumer 310 may use this list to choose a collection agent 350 that is convenient to visit to tender payment for the products or services ordered.

As explained in the above passage, the facilitator receives the order from the merchant. Further, according to Moreau, the customer order is placed with the merchant directly and the facilitator receives the customer order from the merchant. Thus, Applicant respectfully submits that Moreau does not disclose at least the transaction processor (Moreau's facilitator) configured to receive the customer selection from the agent processor (Moreau's collection agent).

Applicant acknowledges that Moreau discloses placing an order with the merchant via a kiosk located at a collection agent site. However, Applicant submits that with this embodiment Moreau explicitly states that the order is placed with the merchant directly. Specifically, Moreau states at paragraph [0064] that "[a] consumer 310, visiting the collection agent 350 may use the kiosk 800 to access the Internet and the network 290 to order products or services from a merchant."

Therefore, Applicant submits that Moreau does not disclose at least the transaction processor configured to receive the customer selection from the agent processor, and does not anticipate the claimed invention.

Transaction Information Module

The Examiner asserts that Moreau discloses a transaction information module “to transmit an information request to said agent processor requesting a portion of said required information” in claim 5 of Moreau. Applicant respectfully disagrees.

Initially, Applicant notes that the Examiner did not address each of the claimed features of the transaction information module. As recited in claims 1 and 50, the transaction processor (or processing means) includes the transaction information module/means “. . . configured to examine said accessed web site to determine information required by said accessed web site to conduct said customer selected transaction and to transmit an information request to said agent processor requesting a portion of said required information . . .” Thus, Applicant respectfully submits that there are two parts to the transaction information module: a first part configured to examine the accessed web site (merchant’s website) to determine information required by the accessed website (merchant’s website) to conduct the customer selected transaction, and a second part configured to transmit an information request to the agent processor requesting a portion of said required information. Moreover, Applicant submits that the two parts of the transaction information module are related in that the “required information” is determined by the first part, and an information request is transmitted requesting a portion of the “required information” by the second part.

In rejecting independent claims 1 and 50, the Examiner only addressed the second part of the transaction information module. Moreover, Applicant respectfully submits that by only addressing the second part of the transaction information module, the Examiner did not give the second part of the transaction information module its proper meaning as recited in the claims.

In addressing the Examiner's rejection, Applicant notes that claim 5 of Moreau recites, *inter alia*, "the facilitator transmitting information regarding the consumer's choice of collection agent to the chosen collection agent." However, Applicant submits that claim 5 recites a transmission of information, rather than an information request. That is, the transmission of the consumer's choice of which collection agent to use to the chosen collection agent is merely informing that collection agent that they have been chosen by the consumer. Thus, Applicant respectfully submits that this transmission is not an information request, requiring a response.

Additionally, while the choice of collection agent may be required information (*i.e.*, the transaction may not be completed until a collection agent is chosen), Applicant submits that this is not the required information determined according to the first part of the claimed transaction information module. That is, the "required information," according to claims 1 and 50, is determined by the transaction processor examining the accessed web site (merchant's website) to determine information required by said accessed web site (merchant's website) to conduct said customer selected transaction.

In contrast, according to Moreau, the consumer orders a good or service from the merchant's web site and the choosing of collection agent comprises the consumer clicking on a button or icon displayed at the merchant's web site (claim 3). Further, the merchant transmits the information to the facilitator regarding the consumer's choice of collection agent (claim 4). Moreover, the facilitator transmits information regarding the consumer's choice of collection agent to the chosen collection agent (claim 5). Thus, Applicant respectfully submits that the facilitator of Moreau does not examine the merchant's website to determine that collection agent information is required. Rather, according to the operation of Moreau, the choosing of a



collection agent is already required and the requirement that a collection agent be chosen is not determined by the facilitator through the facilitator examining the merchant's website.

Therefore, Applicant respectfully submits that Moreau does not disclose each and every feature of the transaction information module, and does not anticipate the claimed invention.

#### Transaction Performance Module

The Examiner asserts that Moreau discloses "a transaction performance module to receive said customer transaction information from said agent processor in response to said information request" in paragraph [0080]. Applicant respectfully disagrees.

Moreau discloses at paragraphs [0079] and [0080] that:

Using this communication network, the collection agent's computer in step 480 retrieves the order information, preferably in the form of an XML document, along with the Internet merchant identification from an electronic database maintained by the facilitator 330. This database includes, but is not limited to, the order information as to price, quantity, and description of product. Preferably, this database also includes a deposit account and its routing number that the corresponding merchant of the order has previously set up.

Another example of this communication may involve accessing the facilitator's computer server using regular browsers. Web applications may reside in the facilitator's server for retrieving the transaction and the amount of the payment to be received. The Web applications may also allow the collection agent 350 to mark the transaction as paid when the payment has been received from the customer 310.

Applicant respectfully submits that this passage describes that when the customer arrives at their chosen collection agent, the collection agent must then access the customer's order information to determine what was ordered and the required payment. As described in paragraphs [0079] and [0080] of Moreau, the collection agent retrieves this order information either from the facilitator's database or the facilitator's server.

Thus, Applicant submits that paragraphs [0079] and [0080] describe information (*i.e.*, the order information) flowing from the facilitator to the collection agent. As such, Applicant respectfully submits that Moreau does not disclose at least “a transaction performance module configured to receive said customer transaction information from said agent processor in response to said information request,” as the claimed information flow is from the agent to the transaction performance module. That is, the cited passage of Moreau discloses an information flow from the facilitator to the collection agent, whereas the claimed feature of the present invention recites an information flow in the opposite direction, *i.e.*, from the agent processor (Moreau’s collection agent) to the transaction performance module (Moreau’s facilitator).

Moreover, Applicant submits that the customer transaction information is received by the transaction performance module “in response to said information request” of the required information. As set forth above, Applicant respectfully submits that Moreau does not disclose at least the recited “information request” of the required information. Thus, Applicant submits that the Examiner-cited information flow of Moreau cannot be in response to an information request, as the information request, as recited in claims 1 and 50, does not occur in Moreau.

Therefore, Applicant respectfully submits that Moreau does not disclose each and every feature of the transaction performance module, and does not anticipate the claimed invention.

#### Customer Financial Account Information

Claims 1 and 50 have been amended to further recite “while maintaining customer financial account information undisclosed to the transaction processor,” “the portion of the required information not including customer financial account information” and transaction performance module receives said customer transaction information “transmitted without any

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customer financial account information.” Applicant submits that Moreau does not disclose at least these further recited features.

As discussed above, Applicant submits that Moreau does not disclose at least a transaction information module configured to examine said accessed web site to determine information required by said accessed web site to conduct said customer selected transaction and to transmit an information request to said agent processor requesting a portion of said required information. As Moreau does not disclose requesting a portion of the required information, Applicant submits that Moreau does not disclose at least the portion of the required information not including customer financial account information.

Additionally, as discussed above, Applicant submits that Moreau does not disclose at least “a transaction performance module configured to receive said customer transaction information . . . from said agent processor in response to said information request.” Thus, Applicant submits that Moreau does not disclose that the customer transaction information is transmitted without any customer financial account information.

Therefore, for at least these reasons, Applicant submits that Moreau does not disclose each and every feature of independent claims 1 and 50, and does not anticipate the claimed invention.

*Dependent Claims 4, 8, 9, 13, 14, 17 – 19, 53, 54, 56 and 57*

Applicant respectfully submits that claims 4, 8, 9, 13, 14, 17 – 19, 53, 54, 56 and 57 depend from distinguishable independent claims, and are allowable at least based upon the allowability of the respective independent claims. Further, all dependent claims (including newly-added claims 60 – 63) set forth a further combination of elements neither taught nor

disclosed by the applied references. Accordingly, Applicant respectfully requests that the rejection of claims 1, 4, 8, 9, 13, 14, 17 – 19, 50, 53, 54, 56 and 57 be withdrawn.

### ***35 U.S.C. § 103 Rejections***

Claims 2, 6, 7, 20 – 31, 35 – 40, 42 – 44, 46 – 49, 51, 52, 58 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreau in view of U.S. Publication No. 2001/0044787 A1 issued to Schwartz et al. (“Schwartz”). Claims 3 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreau in view of Schwartz and U.S. Publication No. 2001/0037311 A1 issued to McCoy et al. (“McCoy”). Claims 5 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreau in view of Schwartz and U.S. Publication No. 2003/0167392 A1 issued to Fransdonk (“Fransdonk”). Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreau. Claims 12 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreau in view of U.S. Publication No. 2003/0126067 A1 issued to Seifert et al. (“Seifert”). Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreau in view of Schwartz and U.S. Publication No. 2004/0143600 A1 issued to Musgrove et al. (“Musgrove”). Claims 16 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreau in view of Schwartz and U.S. Patent No. 5,983,204 issued to Debe (“Debe”). Claim 41 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreau in view of Schwartz and Seifert. These rejections are respectfully traversed.

### ***Independent Claims 22 and 30***

Claim 22 recites, *inter alia*:

the transaction processor, in communication with said agent processor and said provider processing systems via said network, configured to receive said customer selection and customer transaction information from said agent processor and facilitate performance and completion of said customer selected transaction over said network with said particular provider processing system, said transaction processor including:

- a communication module configured to access a particular web site of a provider processing system performing said customer selected transaction;

- a transaction information module configured to examine said accessed web site to determine information required by said accessed web site to conduct said customer selected transaction and to transmit an information request to said agent processor requesting a portion of said required information, the portion of the required information not including customer financial account information; and

- a transaction performance module configured to receive said customer transaction information transmitted without any customer financial account information from said agent processor in response to said information request and to transmit said required information portion and payment information associated with said service provider to said particular provider processing system in order for said service provider to tender payment over said network for said customer to complete said transaction with said particular provider processing system in response to said manual tender of said customer payment indicated within said received customer transaction information.

Claim 30 recites, *inter alia*:

- (a) receiving a customer selection of a desired business transaction conducted over said network with a particular provider processing system and customer transaction information and processing information associated with a customer payment receivable in forms including at least one of cash and a check and manually tendered by a customer at said remote site to a service provider to satisfy payment requirements of said customer selected transaction via an agent processor disposed at said remote site and accessing said network, while maintaining customer financial account information undisclosed to a transaction processor; and

- (b) receiving said customer selection and customer transaction information from said agent processor and facilitating performance and completion of said customer selected transaction over said network with said particular provider processing system in response to said manual tender of said customer payment via the transaction processor in communication with said agent processor and said provider processing

systems via said network, wherein (b) further includes:

(b.1) accessing a particular web site of a provider processing system performing said customer selected transaction;

(b.2) examining said accessed web site to determine information required by said accessed web site to conduct said customer selected transaction and to transmit an information request to said agent processor requesting a portion of said required information, the portion of the required information not including customer financial account information; and

(b.3) receiving said customer transaction information transmitted without any customer financial account information from said agent processor in response to said information request and transmitting said required information portion and payment information associated with said service provider to said particular provider processing system in order for said service provider to tender payment over said network for said customer to complete said transaction with said particular provider processing system in response to said manual tender of said customer payment indicated within said received transaction information.

In addressing claims 22 and 30, the Examiner asserts that Moreau teaches “a transaction processor, in communication with said agent processor and said provider processing system via said network, for receiving said customer selection and customer transaction information from said agent processor,” “a transaction information module to transmit an information request to said agent processor requesting a portion of said required information” and “a transaction performance module to receive said customer transaction information from said agent processor in response to said information request” as Moreau was applied to claims 1 and 50.

#### Transaction Processor and Transaction Performance Module

As stated above with regards to claims 1 and 50, Applicant submits that Moreau does not disclose the features of “a transaction processor, in communication with said agent processor and said provider processing system via said network, configured to receive said customer selection and customer transaction information from said agent processor” and “a transaction performance

module configured to receive said customer transaction information from said agent processor in response to said information request”.

Additionally, Applicant submits that Schwartz does not cure the deficiencies of Moreau. Applicant notes that the Examiner did not rely on Schwartz in rejecting the above-described features of claim 22 and 30. Furthermore, Applicant submits that Schwartz does not disclose these features.

Thus, for at least the same reasons stated above, with regards to claims 1 and 50, Applicant respectfully submits that Moreau in view of Schwartz does not disclose each and every feature of the claimed invention, and does not render the claimed invention unpatentable.

#### Transaction Information Module

The Examiner acknowledges that Moreau fails to disclose “a transaction information module to examine said accessed web site to determine information required by said accessed web site to conduct said customer selected transaction and to transmit an information request to said agent processor requesting a portion of said required information.”<sup>1</sup> However, the Examiner asserts that Schwartz discloses a transaction information module to transmit an information request to the agent processor requesting a portion of the required information (*i.e.*, the second part of the transaction information module) at paragraphs [0182] – [0184].

Schwartz generally discloses a technique for facilitating secure electronic transactions, wherein a secure private agent establishes a client relationship with a consumer, and mediates communications between the consumer and electronic commerce sites. More specifically,

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<sup>1</sup> The Examiner states both that Moreau discloses and fails to disclose “the transaction information module to transmit an information request to said agent processor requesting a portion of said required information”. In responding to the rejection, in light of the fact the reference was applied under a §103(a) rejection, Applicant assumes that the Examiner means only to assert that Moreau fails to disclose this feature.  
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Schwartz discloses that the secure private agent substitutes internally generated identifiers for personal details of the consumer, completes details of the transaction on behalf of the consumer, authorizes payment, and guarantees the credit of the consumer to the electronic commerce site or a payment processing agent (abstract).

More specifically, Schwartz discloses at paragraphs [0116] and [0117]:

The back-end gateway 50 preferably resides on the server 36. It interacts directly with the front-end client 52 and the browser 48. . . . The back-end gateway 50 concurrently interacts via a data network 54 with the electronic commerce site 20 which is concurrently being accessed by the consumer 10. The data network is preferably the internet. The back-end gateway 50 is also linked with the back office logic 44 via data network 56, which is preferably the internet. The role of the back-end gateway 50 is to monitor the activities of the consumer 10 on the internet, and to intercept and mediate information flow between the consumer 10 and the electronic commerce site 20. . . .

The back office logic 44 manages the information relating to the transactions of the consumer 10, and information of the consumer 10, as well. It manages the user profile and account of the consumer 10, and handles the transaction authentication and logging. The back office logic 44 communicates these data as needed to the back-end gateway 50. . . .

Additionally, Schwartz discloses at paragraphs [0182] – [0184] (cited by the Examiner) that:

15. The back-end gateway 50 queries the back office logic 44 in order to authenticate the consumer 10. 16. The back-end gateway 50 sends a challenge to the front-end client 52, which requires an answer by the consumer 10.

17. The front-end client 52 presents a window on the display 46 of the communication device 12 asking approval for the transaction and presenting the challenge.

18. The consumer 10 answers the challenge and approves the transaction.

While Applicant acknowledges that Schwartz discloses an information request sent from the secure private agent (*i.e.*, the back-end gateway) to the consumer, Applicant respectfully submits that this does not constitute “an information request to said agent processor requesting a



portion of said required information” as recited by claims 22 and 30. As discussed above, with regards to the rejection of claim 1 and 50, Applicant submits that the “said required information” is defined by the claims. Specifically, according to the first part of the transaction information module, as recited by claims 22 and 30, a transaction information module examines said accessed web site to determine information required by said accessed web site to conduct said customer selected transaction. Thus, Applicant submits that the information required cannot be any information required, but must specifically be information required by the accessed website to conduct the customer selected transaction. Moreover, Applicant submits that the required information is determined by the transaction information module examining the accessed website.

In contrast to the claimed present invention, Schwartz discloses an information request of a challenge question required by the secure private agent to verify the identity of the consumer. More specifically, the challenge question is sent from one element of the secure private agent (*i.e.*, the back office logic) to another element of the secure private agent (*i.e.*, the back-end gateway). Then the back-end gateway sends the challenge question to a third element of the secure private agent (*i.e.*, the front-end client) to present the challenge question to the consumer.

Thus, as the information flow is between three elements of the secure private agent, Applicant submits that this is not information required by the accessed website to conduct the customer selected transaction. Furthermore, Applicant submits that neither the challenge question nor the appropriate answer or password are determined by examining the accessed network site.

Furthermore, since the merchant site, in embodiments, is unaware of the secure private agent (“role of the secure private agent is completely transparent to the merchant”, paragraph

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[0111]), Applicant submits that neither the challenge question nor answer is required by the accessed network site (merchant) to conduct the transaction.

Additionally, the Examiner implicitly acknowledges that Schwartz fails to disclose the transaction information module to examine the accessed network site to determine information required by the accessed network site to conduct the customer selected transaction (*i.e.*, the first part of the transaction information module). However, the Examiner asserts that this is an inherent step. Specifically, the Examiner states:

As for a transaction information module to examine said accessed network site to determine information required by said accessed network site to conduct said customer transaction, this is an inherent step. That is, in order to transmit a request to said agent processor, the requesting information must first be decided.

Applicant respectfully disagrees. Applicant acknowledges that in order to ask a question, or request required information, the question, or information that is required, must first be decided. However, Applicant submits that who has the question, or information that is required, is pertinent. Claims 22 and 30 recite that the required information is determined by examining the accessed network site, as the accessed network site knows what information is required.

In contrast, Schwartz discloses an exchange of information between three elements of the secure private agent (*i.e.*, the front-end client, the back-end gateway and the back office logic) and the consumer in order to verify the consumer's identity before completing a transaction. Applicant submits that this is not information that is required by the accessed network site, and further, that this information is not known by the accessed network site. Rather, this information (*i.e.*, the challenge question and appropriate answer) is contained within the secure private agent.

Thus, Applicant respectfully submits that, as the accessed network site does not have this authentication information, *i.e.*, the authentication question and the appropriate answer or password, it cannot be inherent to “examine said accessed network site to determine information required by said accessed network site to conduct said customer transaction,” in order to exchange an authentication request and password between three elements of the secure private agent (*i.e.*, the front-end client, the back-end gateway and the back office logic) and the consumer.

Therefore, Applicant respectfully submits that Moreau in view of Schwartz does not disclose each and every feature of the transaction performance module, and does not render the claimed invention unpatentable.

#### Customer Financial Account Information

Claims 22 and 30 have been amended to further recite “while maintaining customer financial account information undisclosed to the transaction processor,” “the portion of the required information not including customer financial account information” and transaction performance module receives said customer transaction information “transmitted without any customer financial account information”. Applicant submits that Moreau in view of Schwartz does not disclose these further recited features.

As discussed above, Applicant submits that Moreau does not disclose at least a transaction information module configured to examine said accessed web site to determine information required by said accessed web site to conduct said customer selected transaction and to transmit an information request to said agent processor requesting a portion of said required information. As Moreau does not disclose requesting a portion of the required information,

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Applicant submits that Moreau does not disclose at least the portion of said required information not including customer financial account information.

Additionally, as discussed above, Applicant submits that Moreau does not disclose “a transaction performance module configured to receive said customer transaction information . . . from said agent processor in response to said information request.” Thus, Applicant submits that Moreau does not disclose at least that the customer transaction information is transmitted without any customer financial account information.

Additionally, Applicant submits that Schwartz specifically discloses that the secure private agent has the customer financial account information, *e.g.*, see paragraphs [0086], [0091], [0095].

For at least these reasons, Applicant submits that Moreau in view of Schwartz does not disclose each of the features of independent claims 22 and 30, and does not render the claimed invention unpatentable. Applicant thus further submits that the Examiner has failed to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.

*Dependent Claims 2, 3, 5 – 7, 10 – 12, 15, 16, 20, 21, 23 – 29, 31 – 49, 51, 52, 55, 58 and 59*

Applicant respectfully submits that claims 2, 3, 5 – 7, 10 – 12, 15, 16, 20, 21, 23 – 29, 31 – 49, 51, 52, 55, 58 and 59 depend from distinguishable independent claims, and are allowable at least based upon the allowability of the respective independent claims. Further, all dependent claims (including newly-added claims 60 – 63) set forth a further combination of elements neither taught nor disclosed by the applied references alone or in combination. Accordingly,

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Applicant respectfully requests that the rejection of claims 2, 3, 5 – 7, 10 – 12, 15, 16, 20 – 49, 51, 52, 55, 58 and 59 be withdrawn.

### ***New Claims***

Applicant submits new claims 60 – 63 for consideration by the Examiner. These claims are dependent claims, which include the features of their respective independent claims, and are allowable based upon the allowability of the independent claims.

Accordingly, Applicant respectfully requests that new claims 60 – 63 be allowed.

### ***Other Matters***

Applicant notes that the Examiner did not address all of the features of claims 1 and 50 and hence, did not properly reject claims 1 and 50 as being anticipated by Moreau under 35 U.S.C. § 102(b). In rejecting claims 1 and 50 under 35 U.S.C. § 102(b), the Examiner never addressed the claim feature “. . . the transaction information module to examine said accessed web site to determine information required by said accessed web site to conduct said customer selected transaction and to transmit an information request to said agent processor requesting a portion of said required information . . .”

For these reasons, Applicant submits that a clear issue was not developed between the Examiner and Applicant. As such, the next Office Action, which should clarify this issue, *cannot* be made final.

According to MPEP 706,

Before final rejection is in order a clear issue should be developed between the examiner and applicant. To bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied; and

in reply to this action the applicant should amend with a view to avoiding all the grounds of rejection and objection.

Additionally, MPEP 706.07(a) notes:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). ...

Furthermore, a second or any subsequent action on the merits in any application ... will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17 (p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

Accordingly, Applicant respectfully submits that the Examiner may not make the next action final, as in the previous Office Action a “clear issue [was not] developed between the examiner and applicant.”

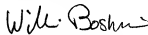
**SUMMARY AND CONCLUSION**

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or suggests the present invention, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability (*e.g.*, for cosmetic purposes), and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Randy MERSKY et al.



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